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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,943	12/14/2000	Osamu Inage	199921US2	8080
22850	7590	10/07/2003	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			GIBBS, HEATHER D	
			ART UNIT	PAPER NUMBER

2622

DATE MAILED: 10/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,943

Applicant(s)

INAGE, OSAMU

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: _____

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DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 3 Line 32, repeated phrase "considered in".

Appropriate correction is required.

Drawings

2. The drawings are objected to because "circuit" is misspelled in reference 20 in Fig.2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2,5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi et al.

In Claim 1, which is representative of claims 6-7, Takahashi teaches of an image reading apparatus comprising: a photoelectric transducer configured to read an image of a document and to output an analog image signal (Col 2 Lines 35-43); an A/D converter 2 configured to input the analog image signal and output a corresponding digital image signal;

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an offset level detecting circuit configured to seek an average value of output levels from picture elements in a predetermined range of the photoelectric transducer (Col 1 Lines 20-28); an offset setting unit 4 configured to provide an offset in the analog image signal before the A/D conversion on the basis of the average value (Col 3 Lines 41-47); a first comparing device 7 configured to compare the average value to a predetermined target value (Col 4 Lines 24-31); and an adjusting device 3 configured to adjust a size of the predetermined range of the photoelectric transducer on the basis of a result of the comparison (Col 3 Lines 12-25).

Regarding claim 2, which is representative of claim 8, Takahashi teaches wherein the adjusting device enlarges the predetermined range of the photoelectric transducer when a difference between the average value and the target value is smaller than a predetermined value (Col 3 Lines 12-25).

Regarding claim 5, Takahashi teaches of a copying machine comprising: an image reading apparatus including; a photoelectric transducer configured to read an image of a document and to output an analog image signal (Col 2 Lines 35-43); an A/D converter 2 configured to input the analog signal and output a corresponding digital image signal; an offset level detecting circuit configured to seek an average value of output levels from picture elements in a predetermined range of the photoelectric transducer (Col 1 Lines 20-28); an offset setting unit 4 configured to provide an offset in the analog image signal before the A/D conversion on the basis of the average value (Col 3 Lines 41-47); a first comparing unit 7 configured to compare the average value to a predetermined target value (Col 4 Lines 24-31); and an adjusting device 3 configured to adjust a size of the predetermined range of the photoelectric range of the photoelectric transducer on the basis of a result of the

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comparison (Col 3 Lines 12-25); and an image forming apparatus configured to form an image on the basis of image data of a document which is read by the image reading apparatus (Col 1 Lines 41-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al (US 5,408,335) in view of Sasaki (US 4,894,727).

Takahashi teaches of the image reading apparatus/method as discussed above, but fails to particularly point out wherein the picture elements in the predetermined range of the photoelectric transducer are optical black picture elements of the photoelectric transducer.

Sasaki teaches of an image processing system in which the picture elements in the predetermined range of the photoelectric transducer are optical black picture elements of the photoelectric transducer (Col 9 Line 37-42; Fig 10A-10E).

Takahashi's image reading apparatus would easily be modified to include the optical black elements of Sasaki as both systems share cumulative features, making them additive in nature.

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Allowable Subject Matter

7. Claims 3 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



Heather D Gibbs
Examiner
Art Unit 2622

hdg



EDWARD COLES
SUPERVISORY PATENT EXAMINER
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